

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6949

BILL NUMBER: HB 1097

NOTE PREPARED: Jan 1, 2004

BILL AMENDED:

SUBJECT: Burial grounds and cemeteries.

FIRST AUTHOR: Rep. Pierce

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill defines "artifact", for purposes of the Historic Preservation Law, as any human made object that is more than 100 years old. The bill requires a person to contact the Department of Natural Resources (DNR) to determine whether the ground that will be disturbed is within 100 feet of a recorded burial ground or cemetery. Except for certain coal operations, the bill requires approval of a development plan before disturbing the ground within 100 feet of a burial ground or cemetery.

Effective Date: July 1, 2004.

Explanation of State Expenditures: If a person intends to disturb the land surface to erect or alter a structure; construct or modify a utility line or transmission facility; drill or change drilling operations for an oil well or a gas well; or remove sand and gravel; the person must contact the DNR to determine whether the ground that will be disturbed is within 100 feet of a recorded burial ground or cemetery. The DNR must respond in writing to a request within 30 days. The person must attach a copy of the DNR's written response with any application for a permit that is submitted to the state or a unit of local government. This requirement would not apply to a surface coal mining and reclamation operation.

The impact of this provision is indeterminable but will depend on the number of inquiries that the DNR receives. If the DNR needed to hire additional staff to implement the proposal, the funds and resources required could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. As of December 29, 2003, the DNR had 170 budgeted full-time vacant positions with total minimum possible salaries of \$4.7 M.

Additionally, for FY 2003, the DNR reverted \$10.8 M to the General Fund. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: The proposal could reduce local expenditures to the extent that the local units would have documentation from the state indicating that a burial ground was or was not within 100 feet of the land disturbance. Local units would not need to make their own determinations.

Explanation of Local Revenues:

State Agencies Affected: Department of Natural Resources

Local Agencies Affected: Local units.

Information Sources: Department of Personnel Staffing Report and the State Budget Agency Reversion List.

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